

Regular Session, 2008

HOUSE BILL NO. 792

BY REPRESENTATIVE WHITE

DISTRICTS/RECREATION: Provides for the creation of a recreation district in the city of Central

1 AN ACT

2 To amend and reenact R.S. 33:4570, 4570.2, and 4570.4 and to enact R.S. 33:4567.1,
3 relative to recreation districts; to provide for the creation of a recreation district in
4 the city of Central; to provide for boundaries; to provide for the purposes of the
5 district; to provide for governance and powers; to provide for the transfer of the
6 operation and control of certain properties and facilities to the district; to except the
7 district from certain authority; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:4570, 4570.2, and 4570.4 are hereby amended and reenacted and
13 R.S. 33:4567.1 is hereby enacted to read as follows:

14 §4567.1. Central Recreation District; creation; boundaries; objects and purposes;
15 governing authority; powers

16 A. Creation. There is hereby created a body politic and corporate which
17 shall be known as the Central Recreation District, referred to in this Section as the
18 "district". The district shall be a political subdivision of the state as defined in the
19 Constitution of Louisiana.

1 B. Boundaries. The boundaries of the district shall be coterminous with
2 boundaries of the city of Central.

3 C. Purpose. The district is established for the purpose of planning,
4 developing, and operating public park and recreational properties and facilities in the
5 district and administering programs and activities that promote recreation and the
6 general health and well-being of citizens.

7 D. Governance. (1) The district shall be governed by a board of
8 commissioners, referred to in this Section as the "board". The board shall be
9 composed as follows:

10 (a) The members of the Louisiana House of Representatives whose districts
11 encompass a portion of the area of the district shall each appoint one member.

12 (b) The member of the Louisiana Senate whose district encompasses all or
13 the greater portion of the area of the district shall appoint one member.

14 (c) The mayor of Central shall appoint one member.

15 (d) The governing authority of the city of Central shall appoint one member.

16 (2) All board members shall be qualified voters and residents of the district
17 and at least twenty-one years of age.

18 (3) Board members shall serve four-year terms after initial terms as provided
19 in this Paragraph. One member shall serve an initial term of four years; one member
20 shall serve an initial term of three years; two members shall serve initial terms of two
21 years; and one member shall serve an initial term of one year, as determined at the
22 first meeting of the board.

23 (4) Any vacancy which occurs prior to the expiration of the term for which
24 a member of the board has been appointed shall be filled for the remainder of the
25 unexpired term in the same manner as the original appointment. Board members
26 shall be eligible for reappointment.

27 (5) The board shall elect from its members a chairman, a vice chairman, a
28 secretary-treasurer, and other such officers as it may deem necessary. The duties of
29 the officers shall be fixed by the bylaws adopted by the board.

1 (6) The minute books and archives of the district shall be maintained by the
2 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
3 be in the official custody of the board.

4 (7) Members of the board shall each receive a per diem of seventy-five
5 dollars for each meeting they attend, not to exceed twelve meetings per year. Such
6 per diem shall be paid out of the funds of the district.

7 E. Powers. The district shall have all powers necessary or convenient to
8 effectuate the purposes of the district, including but not limited to the following
9 rights and powers:

10 (1) To acquire, purchase, lease as lessee, and hold and use any property, real,
11 personal or mixed, tangible or intangible, or any interest therein necessary or
12 desirable for effectuating its purposes, and to sell, transfer, lease as lessor, and
13 dispose of any property or interest therein at any time acquired by the district.

14 (2) To acquire by purchase, lease, or otherwise and to construct, improve,
15 maintain, and operate park and recreational facilities and to administer programs
16 which it deems necessary to effectuate the purposes of the district.

17 (3) To enter into agreements with any person or persons, corporation,
18 association, or other entity, including public corporations, political subdivisions,
19 municipalities, the United States government and agencies thereof, the state of
20 Louisiana or any of its agencies, or any combination thereof for the operation of any
21 or all park and recreation properties and facilities.

22 (4) To enter into contracts with any public or private entity in carrying out
23 its purposes, including but not limited to contracts for construction or acquisition of
24 property and facilities incident to the purposes of the district.

25 (5) To fix, collect, and revise rates, charges, and rentals for parks' facilities
26 and services as necessary.

27 (6) To adopt bylaws for the management and regulation of its affairs and for
28 the regulation and control of recreational and park facilities within its jurisdiction.

1 (7) To cooperate and contract with the government of the United States or
2 any department or agency thereof and with the state of Louisiana or any department,
3 agency, or political subdivision thereof and to accept gifts, grants, and donations or
4 property and money therefrom.

5 (8) To cooperate with the state of Louisiana or any political subdivision,
6 department, agency, or corporation of the state for the construction, operation, and
7 maintenance of facilities designed to accomplish the purposes for which the district
8 is created on any basis, including the matching of funds, and by participating in
9 projects authorized by federal or state law as it shall see fit.

10 (10) To pledge all or any part of its revenues.

11 (11)(a) For the 2008 and 2009 tax years, to levy and collect annually an ad
12 valorem tax not to exceed fourteen mills on the dollar of assessed valuation on all
13 property within the district subject to ad valorem taxes in accordance with Article VI,
14 Section 30 of the Constitution of Louisiana.

15 (b) To levy and collect annually, beginning with the 2010 tax year and for
16 such period of time as provided in the ballot proposition authorizing the levy of such
17 tax, an ad valorem tax not to exceed fourteen mills on the dollar of assessed
18 valuation on all property within the district subject to ad valorem taxes in accordance
19 with Article VI, Section 32 of the Constitution of Louisiana, subject to approval by
20 a majority of the electors of the district voting on the proposition at an election called
21 by the board and held for that purpose.

22 (c) To levy and collect annually beginning with the 2010 tax year or
23 thereafter an ad valorem tax in addition to the tax authorized by Subparagraph (b) of
24 this Paragraph on all property within the district subject to ad valorem taxes in
25 accordance with Article VI, Section 32 of the Constitution of Louisiana, subject to
26 approval by a majority of the electors of the district voting on the proposition at an
27 election called by the board and held for that purpose. The rate and duration of the
28 tax shall be as specified in the ballot proposition authorizing the levy of such tax.

(d) Any taxes authorized pursuant to this Paragraph shall be collected in the same manner as other ad valorem taxes. The avails of any such tax shall be used solely for acquisition, construction, improvement, maintenance, and operation of park and recreational facilities or improvements.

(12) To issue bonds for the purpose of constructing, acquiring, improving, maintaining, or extending park and recreational facilities of the commission pursuant to Article VI, Section 33 of the Constitution of Louisiana and other constitutional and statutory authority supplemental thereto. Such bonds may be issued only after authorization by a majority of voters in the district voting on the proposition at an election called by the board and held for that purpose.

F.(1) Effective July 1, 2008, the board may be appointed and shall be granted the powers provided in Subsection E of this Section. Beginning on such date, the Recreation and Park Commission for the Parish of East Baton Rouge shall no longer have the authority to levy and collect any taxes within the geographic boundaries of the Central Recreation District except any ad valorem taxes or portion thereof which avails are pledged as security for bonded indebtedness. The authority of the Recreation and Park Commission for the Parish of East Baton Rouge to levy and collect such taxes pursuant to this Paragraph shall expire at the time and for the year in which the indebtedness is paid off.

(2) The recreation district shall begin the actual operation of public park and
recreation properties and facilities within its jurisdiction on January 10, 2009.

(3) Beginning on the date the district begins such operation and thereafter, all lands, buildings, and improvements, facilities, and other property having title vested in the public and subject to management, administration, and control by the Recreation and Park Commission for the Parish of East Baton Rouge pursuant to R.S. 33:4570 through 4570.4 but located within the geographic boundaries of the Central Recreation District shall be operated and controlled by the Central Recreation District.

* * *

§4570. The Recreation and Park Commission for the Parish of East Baton Rouge;
creation

There is hereby created the Recreation and Park Commission for the Parish of East Baton Rouge, whose authority shall extend to the whole parish, inclusive of the territorial limits of the city of Baton Rouge, but exclusive of the area within the boundaries of the Central Recreation District pursuant to R.S. 33:4567.1, as those limits are now or may hereafter be fixed and determined.

* * *

§4570.2. Legal status; rights and privileges

The commission is the legal successor of the Baton Rouge Parish and Municipal Recreation Commission for the Parish of East Baton Rouge, and succeeds to all of the rights and obligations of the said late recreation commission, and to the ownership of all of the property, movable or immovable, tangible or intangible, owned by the said late recreation commission, and to all of the rights, privileges, and concessions of every kind and nature invested in and exercised by the said late recreation commission, by the city of Baton Rouge, or the parish of East Baton Rouge, except as provided in R.S. 33:4567.1. The commission has the right to own and administer in the public welfare, and for public recreational and park purposes, the leases, concessions, rights, and privileges heretofore granted by the late commission council of the city of Baton Rouge, and the late police jury of the parish of East Baton Rouge to the said late recreation commission and to develop and expand upon these leases, concessions, rights, and privileges.

* * *

§4570.4. Corporate status; bonds; taxes; collections

* * *

B. In addition to the foregoing, and in accordance with the provisions of Article VI, Section 32 of the Constitution of Louisiana and any other applicable provisions of the constitution and laws of the state, the commission may impose and collect from year to year taxes upon all of the taxable property carried on the

1 assessment ~~roles~~ rolls of the parish of East Baton Rouge except for the property
2 contained within the boundaries of the Central Recreation District pursuant to and
3 except as provided in R.S. 33: 4567.1, which in the aggregate and exclusive of any
4 taxes levied to pay debt service on bonds of the commission shall not exceed
5 eighteen mills on the dollar of assessed value as the commission shall determine and
6 the proceeds of any such tax shall be used in acquiring, developing, maintaining, and
7 operating the public parks and recreational properties and facilities of the
8 commission and in making available funds for the operating budget.

9 * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

White

HB No. 792

Abstract: Creates a recreation district in the city of Central.

Proposed law creates a body politic and corporate in the city of Central known as the Central Recreation District, the boundaries of which shall be coterminous with city boundaries, to plan, develop, and operate the public park and recreational properties and facilities in the district and administer programs and activities that promote recreation and the general health and well-being of citizens. Provides that the district shall be a political subdivision as defined in present constitution.

Proposed law provides that the district shall be governed by a board of commissioners, members of whom shall be qualified voters and residents of the district and at least 21 years of age, that shall be composed as follows:

- (1) The members of the La. House of Representatives whose districts encompass a portion of the area of the district shall each appoint one member.
- (2) The member of the La. Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.
- (3) The mayor of Central shall appoint one member.

- (4) The governing authority of the city of Central shall appoint one member.

Proposed law provides that board members shall serve four-year terms after initial terms as follows: one member shall serve an initial term of four years; one member shall serve an initial term of three years; two members shall serve initial terms of two years; and one member shall serve an initial term of one year, as determined at the first meeting of the board. Provides that any vacancy occurring prior to the expiration of the term for which a board member has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment and that board members shall be eligible for reappointment. Provides that the board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and other such officers deemed necessary and that officers' duties shall be fixed by board bylaws. Provides the secretary-treasurer shall maintain the district's minute books and archives and that the district's monies, funds, and accounts shall be in the board's official custody. Provides that board members shall receive a \$75 per diem for each meeting they attend, not to exceed 12 meetings per year, and that such per diem shall be paid out of district funds.

Proposed law provides that the district shall have the following powers:

- (1) To acquire, purchase, lease as lessee, and hold and use any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for its purposes, and to sell, transfer, lease as lessor, and dispose of any property or interest therein.
- (2) To acquire by purchase, lease, or otherwise and to construct, improve, maintain, and operate park and recreational facilities and to administer programs which it deems necessary to district purposes.
- (3) To enter into agreements with any person or persons, corporation, association, or other entity, including public corporations, political subdivisions, municipalities, the U.S. government and agencies thereof, the state or any of its agencies, or any combination thereof for the operation of park and recreation properties and facilities.
- (4) To enter into contracts with any public or private entity in carrying out its purposes, including contracts for construction or acquisition of property and facilities incident to district purposes.
- (5) To fix, collect, and revise rates, charges, and rentals for parks facilities and services as necessary.
- (6) To adopt bylaws for the management and regulation of its affairs and for the regulation and control of recreational and park facilities within its jurisdiction.
- (7) To cooperate and contract with U.S. government or any department or agency thereof and with the state or any department, agency, or political subdivision thereof and to accept gifts, grants, and donations or property and money therefrom.
- (8) To cooperate with the state or any political subdivision, department, agency, or corporation of the state for the construction, operation, and maintenance of facilities designed to accomplish district purposes on any basis, including the matching of funds, and by participating in projects authorized by federal or state law as it shall see fit.
- (10) To pledge all or any part of its revenues.
- (11) For the 2008 and 2009 tax years, to levy and collect annually an ad valorem tax not to exceed 14 mills within the district in accordance with present constitution. For the 2010 tax year and thereafter authorizes the district to levy and collect such a tax not

- to exceed 14 mills, subject to voter approval, for the period of time provided in the ballot proposition. Also authorizes the levy of an additional tax, with voter approval (in addition to the tax not exceeding 14 mills) at the rate and for the time period provided by the ballot proposition. (All such taxes shall be collected in the same manner as other ad valorem taxes, and the avails of any such tax shall be used solely for acquisition, construction, improvement, maintenance, and operation of park and recreational facilities or improvements.)
- (12) To issue bonds for the purpose of constructing, acquiring, improving, maintaining, or extending park and recreational facilities of the commission pursuant to present constitution and statutory authority supplemental thereto. Such bonds may be issued only after voter approval.

Proposed law provides that effective July 1, 2008, the board may be appointed and shall be granted the powers provided by proposed law. Provides that beginning on such date, BREC shall no longer have the authority to levy and collect any taxes within the geographic boundaries of the Central Recreation District except any ad valorem taxes or portion thereof which avails are pledged as security for bonded indebtedness. Further provides that BREC's authority to levy and collect such taxes shall expire at the time and for the year in which the indebtedness is paid off.

Proposed law provides that the district shall begin the actual operation of public park and recreation properties and facilities within its jurisdiction on January 10, 2009. Provides that beginning on the date the district begins such actual operation, all lands, buildings, and improvements, facilities, and other property vested in the public and subject to management, administration, and control by the Recreation and Park Commission for the Parish of East Baton Rouge (BREC) pursuant to present law but located within the geographic boundaries of the Central Recreation District shall be operated and controlled by such district.

Present law provides that BREC's authority shall extend to the whole parish.

Proposed law excepts the area within the boundaries of the Central Recreation District from BREC's authority.

Present law provides that BREC is the legal successor of the Baton Rouge Parish and Municipal Recreation Commission for the Parish of East Baton Rouge (EBR), and succeeds to all of the rights and obligations of such recreation commission, and to the ownership of all of the property, movable or immovable, tangible or intangible, owned by such former recreation commission, and to all of the rights, privileges, and concessions of every kind and nature invested in and exercised by such recreation commission, by the city of BR, or the parish of EBR.

Proposed law retains present law except as provided in proposed law.

Present law authorizes BREC to impose and collect from year to year taxes upon all of the taxable property carried on the assessment rolls of EBR Parish.

Proposed law excepts the property within the boundaries of the Central Recreation District from BREC's taxing authority.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:4570, 4570.2, and 4570.4; Adds R.S. 33:4567.1)